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PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application)	DOCKET NO. 2009-0048
)	
MOLOKAI PUBLIC UTILITIES, INC.)	WEST MOLOKAI ASSOCIATION'S
)	INFORMATION REQUESTS TO THE
For review and approval of rate increases;)	COUNTY OF MAUI;
revised rate schedules; and revised rules.)	CERTIFICATE OF SERVICE
_____)	

WEST MOLOKAI ASSOCIATION'S INFORMATION REQUESTS
TO THE COUNTY OF MAUI

and

CERTIFICATE OF SERVICE

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WEST MOLOKAI ASSOCIATION'S INFORMATION REQUESTS

TO THE COUNTY OF MAUI

Comes now West Molokai Association (WMA), by and through its Attorney, William W. Milks, and hereby submits its Information Requests to the County of Maui (County, or COM), consistent with the Stipulated Regulatory Schedule contained in the Stipulated Pre-Hearing Order, filed on November 6, 2009.

Dated: Honolulu, Hawaii, January 19, 2010.



WILLIAM W. MILKS, Counsel
for West Molokai Association

- WMA-IR-COM-101** Please provide (or make available to personnel from West Molokai Association) all records in the possession of the County of Maui regarding the quality of MPU water which records may be the result of testing by any County of Maui agency or reports by others which are in County's possession, for all water quality data collected since 2002.
- WMA-IR-COM-102** In County of Maui's January 13, 2010 statement regarding direct testimony, County states that MPUI's water service "does not comply with applicable federal, state, and county water quality laws, rules and regulations." Please provide citations for each federal, state, and county water quality law, rule, and regulation which, in County of Maui's opinion, MPUI is non-compliant. Please be specific, with citations showing the sections and subsections of each law in which County of Maui contends MPUI is non-compliant.
- WMA-IR-COM-103** In reference to the Well 17 and the permitting process conducted by the State of Hawaii Commission on Water Resource Management, please succinctly state the County of Maui's position relative to the County's preferred allocations of Well 17 water for each of the Commission-certified water utilities.
- WMA-IR-COM-104** Please provide access or make available to a representative of West Molokai Association (or, in the alternative, provide electronically without need of providing hard copies), the 34 agreements purportedly entered into between County of Maui, on the one hand, and Molokai

Properties, Ltd. (or its predecessors in interest), with regard to arrangements for the development of improvements in the MPUI service area or facilities designed to serve the MPUI service area, regarding Molokai Properties, Ltd. (or its affiliates, subsidiaries, or predecessors in interest) responsibilities to maintain roadways, maintain fire hydrants, provide potable water to residents in the MPUI service area, etc. (It appears these documents may be readily accessible, as one or more documents exchanged in the discovery process of pending civil litigation.)

WMA-IR-COM-105 Please provide all plans, design, as-built drawings, drawings, specifications, schematics, and other submittals from MPUI (and its parent company, or predecessors to MPL, or other MPL affiliated companies), related to the design, construction, and major repairs and improvements of the facilities comprising the MPUI water utility system, in the possession of the County of Maui. [Presumably, MPUI/MPL et al. submitted such documents for grading permits, building permits, engineering work, etc.] These documents can be provided electronically, or hard copy, or merely made available to a representative of WMA, upon arrangement. [A similar Information Request was served upon MPUI and MPL, with little substantive response to date.]

WMA-IR-COM-106 With regard to the County of Maui's Department of Water, indicate for the last four completed fiscal years, the amount of revenues generated

by water sales, and compare that figure with operating expenses and capitalized projects.

WMA-IR-COM-107 If the Department of Water (or an agency by a similar name and function) has annual Income Statements and Year-End Balance Sheets, please provide each, calendar year/fiscal year 2005 through the most recent such completed reports.

WMA-IR-COM-108 To the extent general funds of the County of Maui are appropriated to supplement revenues generated by the County of Maui Department of Water, to balance its annual budget, please provide the appropriated amounts for fiscal years 2005 to present.

WMA-IR-COM-109 Please provide the annual amounts paid by the County of Maui to MPUI, for water provided by MPUI at County facilities, such as beach access ways, beach parks, etc. To the extent these amounts can be identified by location or name of park, that would be preferable.

WMA-IR-COM-110 Provide a generalized statement, with specific examples, of the nature and type of governmental services provided by the County of Maui to the owners and residents within the service area of MPUI, such as fire protection services, road improvements, county parks, etc. Please be specific with regard to the 6,800 acre area defined in this proceeding as the service area of MPUI.

WMA-IR-COM-111 Somewhat in contrast to your response to the foregoing WMA-IR-COM-110, provide details of which County of Maui governmental services are not provided by the County to property owners and

residents located within the service area of MPUI.

- WMA-IR-COM-112** If the County of Maui has a statement of policy, or a set of criteria utilized in assessing whether or not it will assume a water or waste water system constructed by a private developer and tendered to the County of Maui for its ownership operation maintenance and improvement, please provide such statement of policy or check list.
- WMA-IR-COM-113** Succinctly state the County of Maui's present position in the event MPUI does, in fact, permanently terminate its provision of potable water in its service area, both on a near-term basis (e.g. water tank trucks, etc.) and on a longer term basis, for a permanent resolution of the absence of a privately-owned potable water utility service.
- WMA-IR-COM-114** Provide the amount of real estate taxes paid by MPL and its Molokai-based subsidiaries and affiliated companies, for calendar years (or, if appropriate fiscal year) 2005 through to present.
- WMA-IR-COM-115** Re: Fire Hydrants. Does County of Maui own, maintain, repair or otherwise have involvement with fire hydrants within the MPUI service area? If so, please explain, with specifics.
- WMA-IR-COM-116** Re: Fire Hydrants. Please provide land ownership and/or easement/right-of-way documentation for all of the fire hydrants located within the MPUI service area.
- WMA-IR-COM-117** Re: Fire Hydrants. How many fire hydrants are in the MPUI service area? Does County inspect them, and if so, how many are inspected and how often?

WMA-IR-COM-118 Re: Fire Hydrants. Are any reports in County of Maui's custody related to the condition of fire hydrants within the MPUI service area. If so, please provide.

WMA-IR-COM-119 Re: Fire Prevention. With regard to MPUI's entire water system (vis-à-vis the fire hydrants only), when was the most recent County of Maui-sponsored inspection of the MPUI system, for any purpose (e.g. for fire protection; for follow-up to Mayor Tavaré's 2008 public statements, or any other purpose). Please provide a copy of each such report – electronically only or in hard copy, or make such studies available to a representative of WMA, at a mutually convenient time.

CERTIFICATE OF SERVICE

The undersigned certifies that the requisite number of copies of the foregoing document was or will be served on the following parties on the date indicated below, at the indicated addresses:

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DATED: Honolulu, Hawaii, January 19, 2010.



WILLIAM W. MILKS, Attorney for
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